IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 15-180-6
	:	
ROBERT HARTLEY	:	

DEFENDANT ROBERT HARTLEY'S MOTION FOR JUDGMENT OF ACQUITTAL, NEW TRIAL, AND/OR ARREST OF JUDGMENT PURSUANT TO FEDERAL RULES OF CRIMINAL PROCEDURE 29(c), 33(a), and 34, AND REQUEST FOR LEAVE TO SUPPLEMENT

Defendant Robert Hartley, by and through his undersigned counsel, and pursuant to Federal Rules of Criminal Procedure, 29(c), 33(a), and 34, hereby moves for judgement of acquittal (on certain counts), a new trial on all remaining counts, and arrest of judgment. In the first instance, however, Mr. Hartley requests leave to supplement and/or withdraw the grounds set forth in this Motion upon careful review of the trial record.[1] In support hereof, Mr. Hartley states:

1. On or about May 26, 2016, a grand jury sitting within this judicial district returned a multi-count Indictment in this matter charging Mr. Hartley and a number of others with multiple crimes stemming, for the most part, from a series of completed and/or attempted home invasion robberies. Specifically, the grand jury charged Mr. Hartley as follows:

Charge	Statute Violation	Count
Conspiracy to commit Hobbs Act robbery	18 U.S.C. § 1951	Count 1
Kidnapping	18 U.S.C. § 1201	Counts 10 and 22

[1] As the Court knows, daily transcripts of the trial proceedings were prepared and recently filed. However, because of the length of trial, undersigned counsel requires additional time in which to carefully review the transcripts in order to supplement or withdraw the grounds articulated in this Motion.

Charge	**Statute Violation**	**Count**
Carjacking	18 U.S.C. § 2119	Counts 11 and 25
Hobbs Act Robbery	18 U.S.C. § 1951(a)	Counts 13, 24, 27, and 29
Possession of a firearm in connection with a crime of violence	18 U.S.C. § 924(c)	Counts 12,14, 23, 26, 28, and 30

Additionally, with respect to all substantive counts, Mr. Hartley was charged with aiding and abetting in violation of 18 U.S.C. § 2.

2. On or about January 31, 2014, Mr. Hartley and four of his co-defendants proceeded to trial. After approximately eleven weeks of trial, on April 17, 2017, the petit jury returned guilty verdicts against Mr. Hartley on all counts with which he was charged, except for Counts 10-14, and 23, of which the jury found Mr. Hartley not guilty.

3. Through this Motion, Mr. Hartley seeks judgment of acquittal pursuant to Federal Rule of Criminal Procedure 29(c) on at least the following counts on at least the following grounds:

Count 1	The government failed to prove the conspiracy alleged in the Indictment as opposed to a series of separate conspiracies.[2]
Count 25	The government failed to establish the elements of carjacking in relation to this particular count.

4. Additionally, Mr. Hartley seeks a new trial on at least the following grounds:

a. The Court either failed to make findings under *United States v. James* concerning the admissibility of co-conspirator statements and/or made erroneous *James* findings.

[2] At the close of the government's case, all defendants moved for judgment of acquittal on this ground. The Court has held this Motion under advisement.

b. The Court failed to grant several requests for mistrial following several government *Brady*/disclosure violations.[3]

5. On or about April 25, 2017, defendant Laverne Jackson filed a Motion for Judgment of Acquittal Pursuant to Federal Rule of Criminal Procedure 29(a) and for New Trial Pursuant to Federal Rule of Criminal Procedure 33. Mr. Hartley hereby joins in Mr. Jackson's Motion for Judgement of Acquittal and New Trial to the extent the grounds articulated in Mr. Jackson's Motion apply to Mr. Hartley.

6. On or about April 26, 2017, in what appears to be a response to Mr. Jackson's April 25, 2017 post-verdict motion, the Court entered an Order directing all defendants to file post-verdict motions and any supplemental briefs regarding pending motions on or before June 9, 2017. Mr. Hartley interprets the Court's April 26, 2017 Order to have effectively extended the deadlines for filing post-verdict motions up to and through June 9, 2017. However, as a preliminary matter, Mr. Hartley prophylactically submits this pleading to ensure his timely filing of requests for relief under Federal Rules of Criminal Procedure 29(c), 33, and 34.

7. Additionally, and in the first instance, Mr. Hartley seeks leave to supplement this Motion after careful consideration of the trial record to allow for him to: raise new grounds for relief; raise additional arguments in support of already articulated grounds for relief; and/or withdraw already articulated grounds for relief. In this regard, unless directed otherwise, Mr.

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[3] Throughout trial, the defense discovered that the government committed a number of *Brady* violations. Depending on how one counts/groups the violations, the government committed approximately seven such violations. In each instance, the defense collectively sought mistrials. With respect to the earlier *Brady* violations, the Court denied the defendants' requests for mistrial. However, after the last of the government's *Brady* violations, all defendants again moved for mistrial. Defendant Khalil Smith's counsel filed a Brief in support of that motion, in which all defendants, including Mr. Hartley, joined. The Court has not yet ruled on defendants' last motion for mistrial.

Hartley will consider the Court's April 26, 2017 Order as effectively granting the request for supplementation.

WHEREFORE, it is respectfully requested that this Court, in the first instance, permit Mr. Hartley leave to supplement the above post-verdict motion on or before June 9, 2017.

Respectfully submitted,

CEDRONE & MANCANO, LLC

Dated: May 1, 2017

By: */s/ Mark E. Cedrone*

MARK E. CEDRONE, ESQUIRE
123 South Broad Street - Suite 810
Philadelphia, PA 19109
Tele: (215) 925-2500
E-Mail: mec@cedrone-mancano.com

Attorney for Defendant Robert Hartley

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was served via the Court's Electronic Case Filing ("ECF") System, this 1st day of May, 2017, upon all counsel of record.

/s/ Mark E. Cedrone
MARK E. CEDRONE